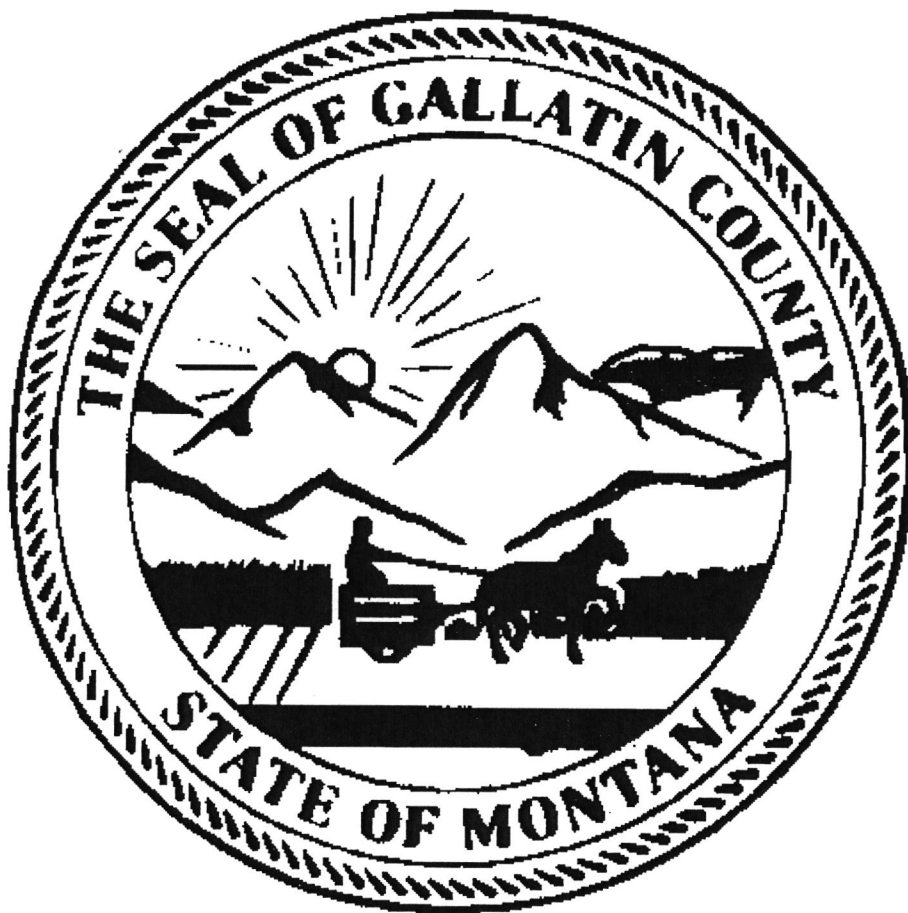


ELECTION JUDGE TRAINING



2016
GALLATIN COUNTY

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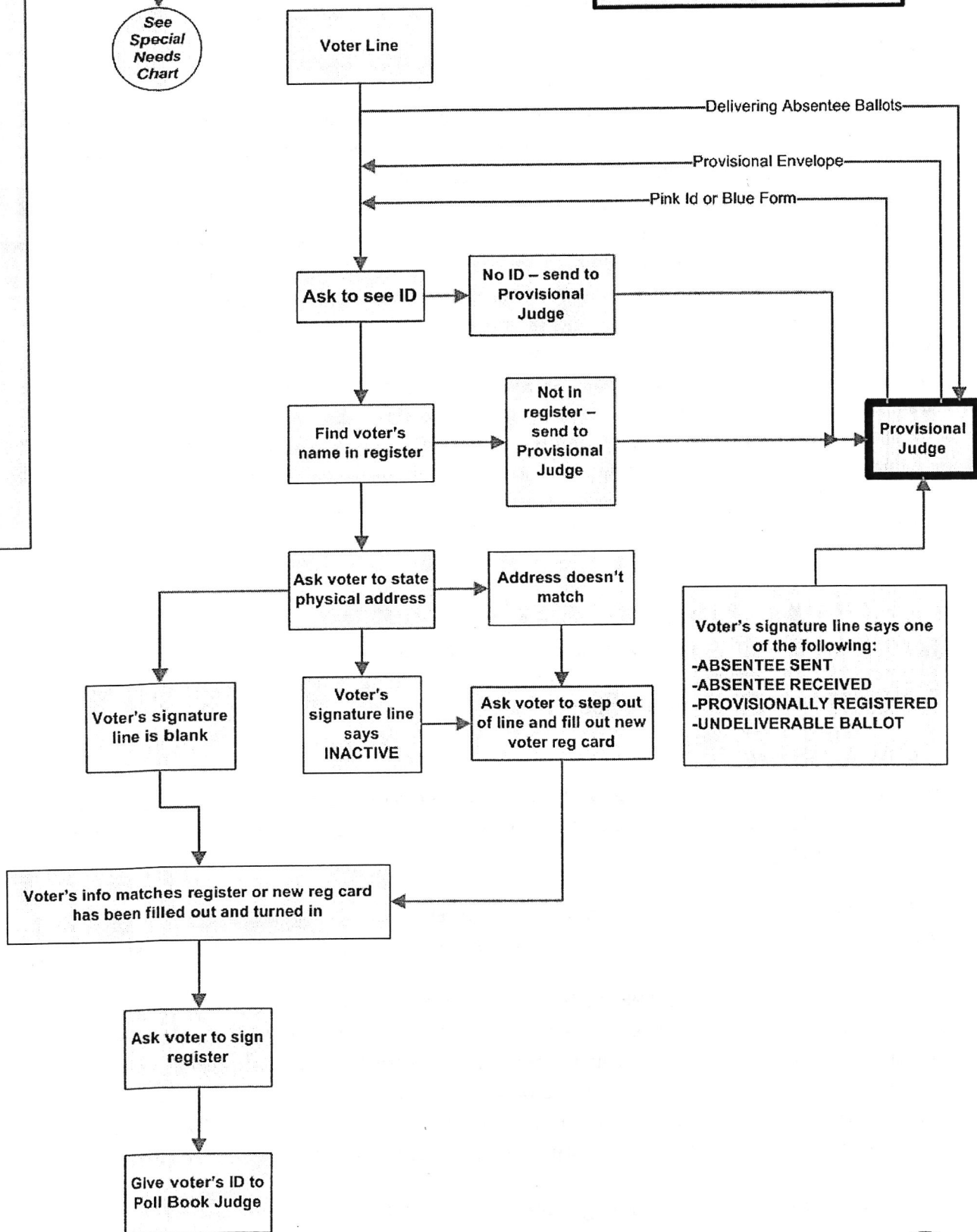
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REGISTER JUDGE

Voter may need assistance

See Special Needs Chart

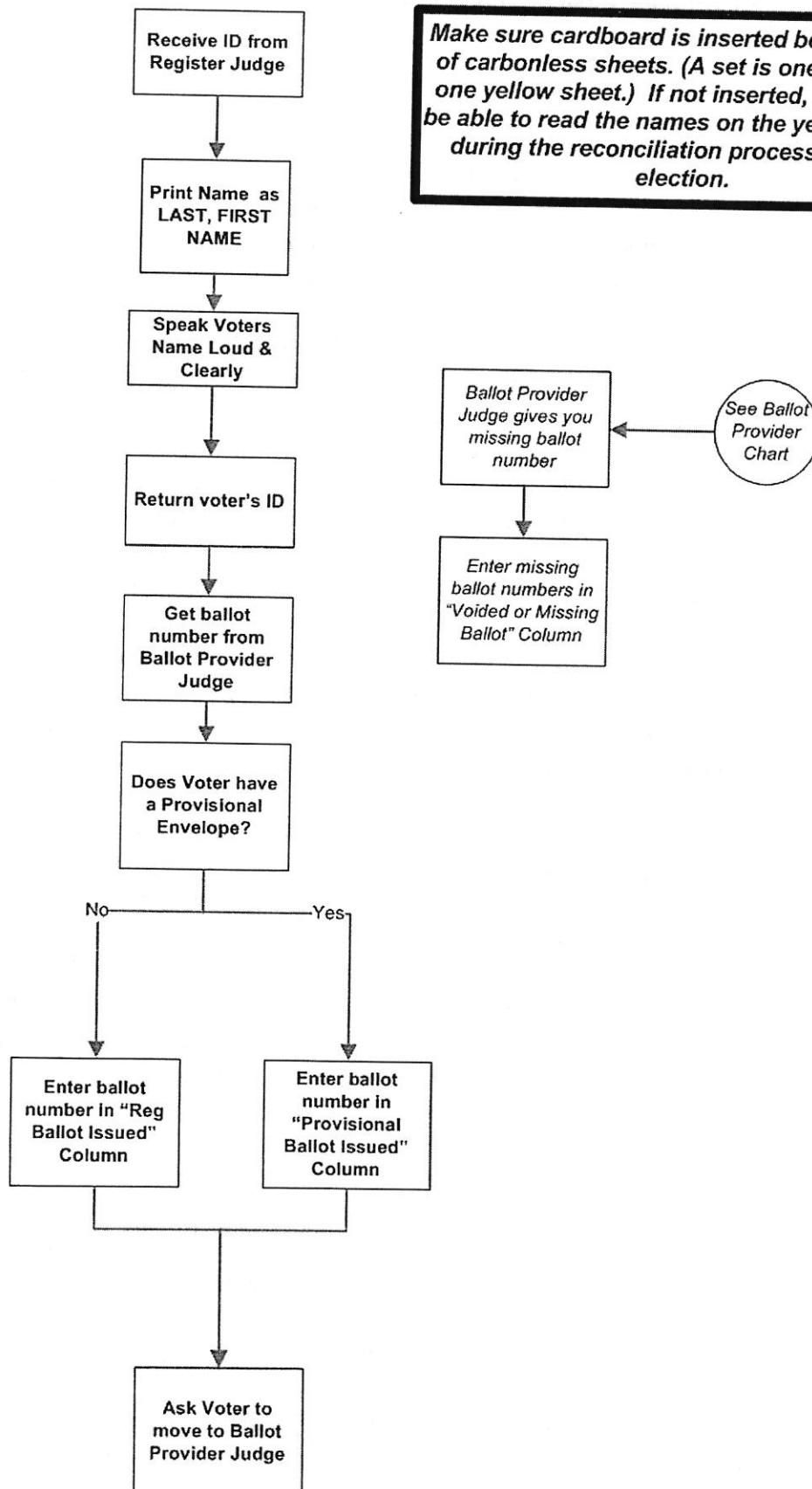
NEVER allow a person to sign the register if their name is not in the register unless they have a BLUE ERRONEOUS OMISSIONS FORM.



POLL BOOK JUDGE

Voter has returned for a replacement ballot – Find name in poll book, get new ballot numbers from Ballot Provider Judge, cross out previous number and enter new number next to it. DO NOT ENTER A VOTER'S NAME MORE THAN ONE TIME IN POLL BOOK

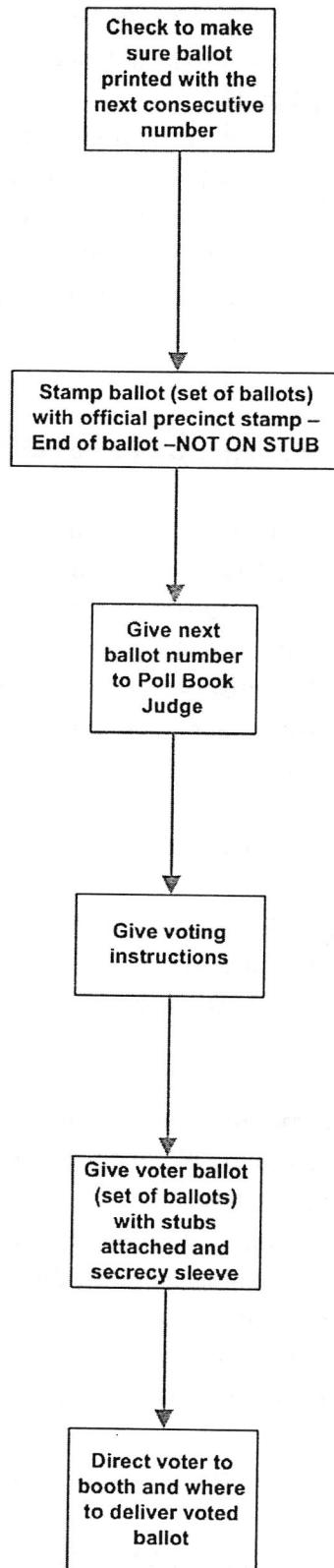
Make sure cardboard is inserted between sets of carbonless sheets. (A set is one white and one yellow sheet.) If not inserted, we will not be able to read the names on the yellow sheets during the reconciliation process after the election.



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Give Poll Book Judge any missing numbers so they can be recorded correctly in Poll Book

See Poll Book Chart

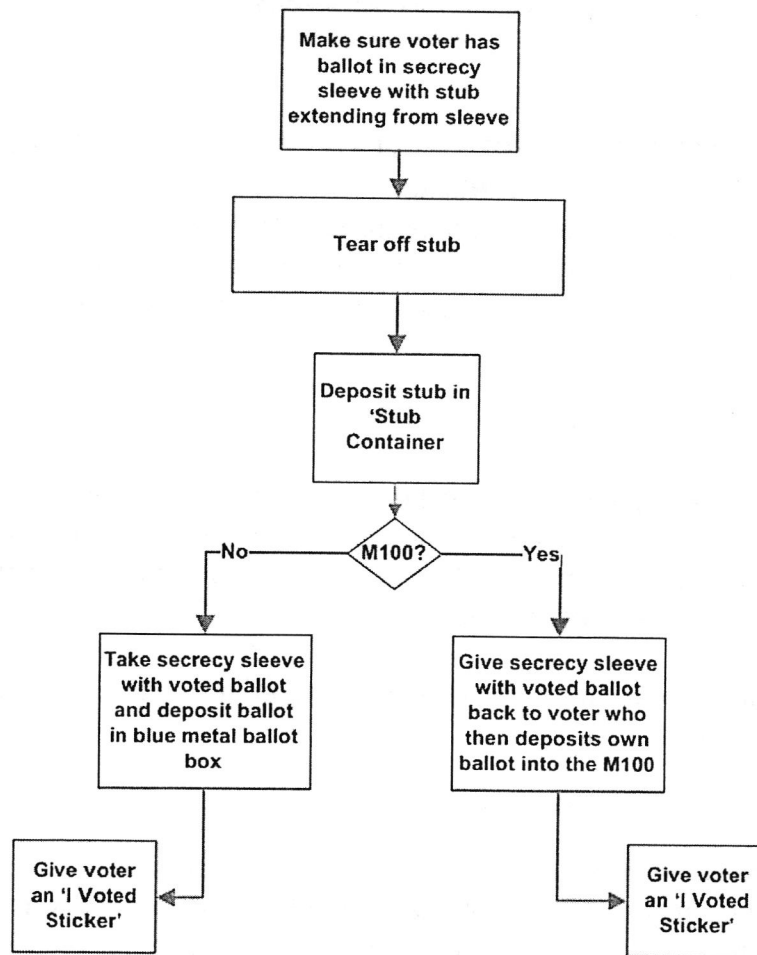
Voter comes back and requests new ballot because of error (See Chart for Replacement Ballot)

See Replacement Ballot Chart

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PRIMARY ONLY

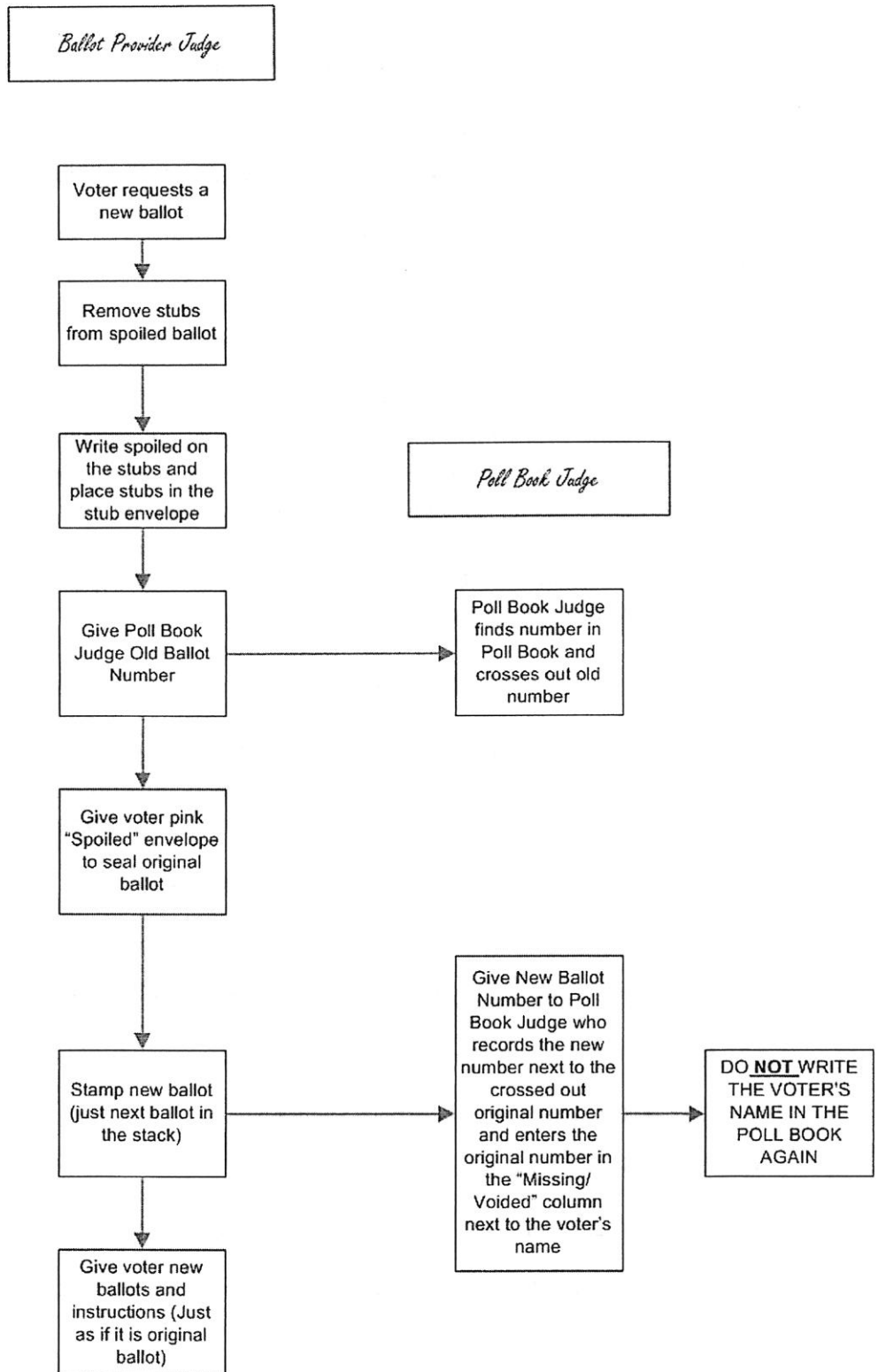
For the Primary, voter should have the UNVOTED Ballot folded and in the Unvoted Envelope with the stub extending from the envelope.

Tear the stub from the Unvoted Envelope

Deposit stub in 'Stub Container'

Put the Unvoted Envelope in the sealed blue plastic container.

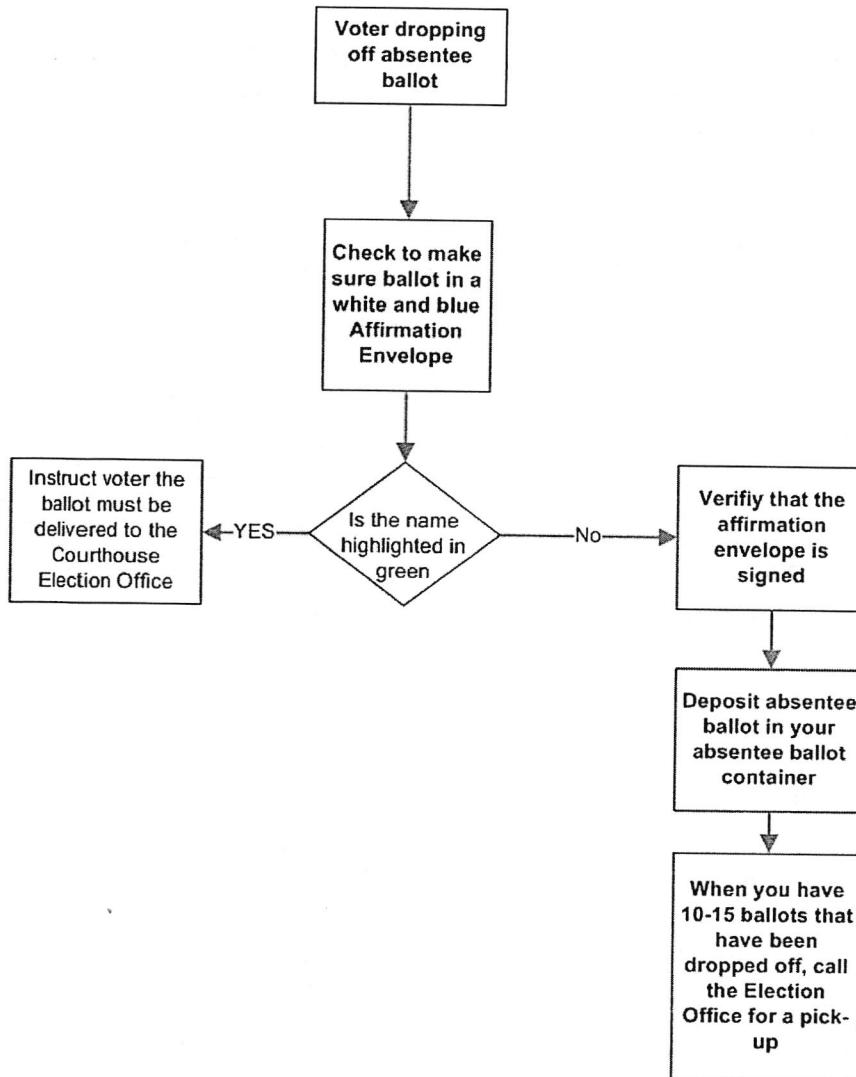
REPLACEMENT BALLOTS



**Absentee Ballot Drop-Off
SEND VOTER WITH ABSENTEE TO
PROVISIONAL JUDGE**

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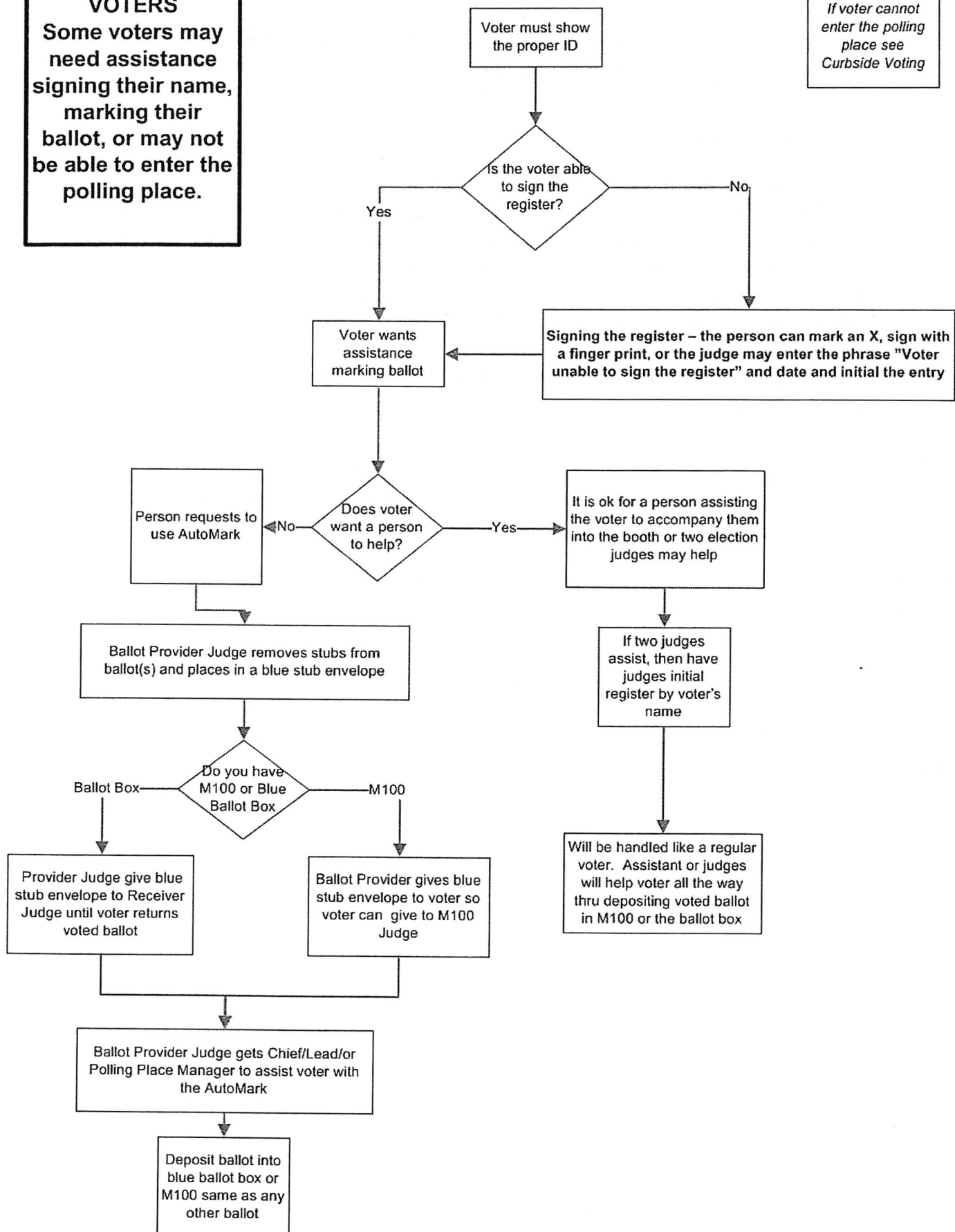


**Make sure the voter does not put their absentee ballot
into the M100 or a ballot box.**

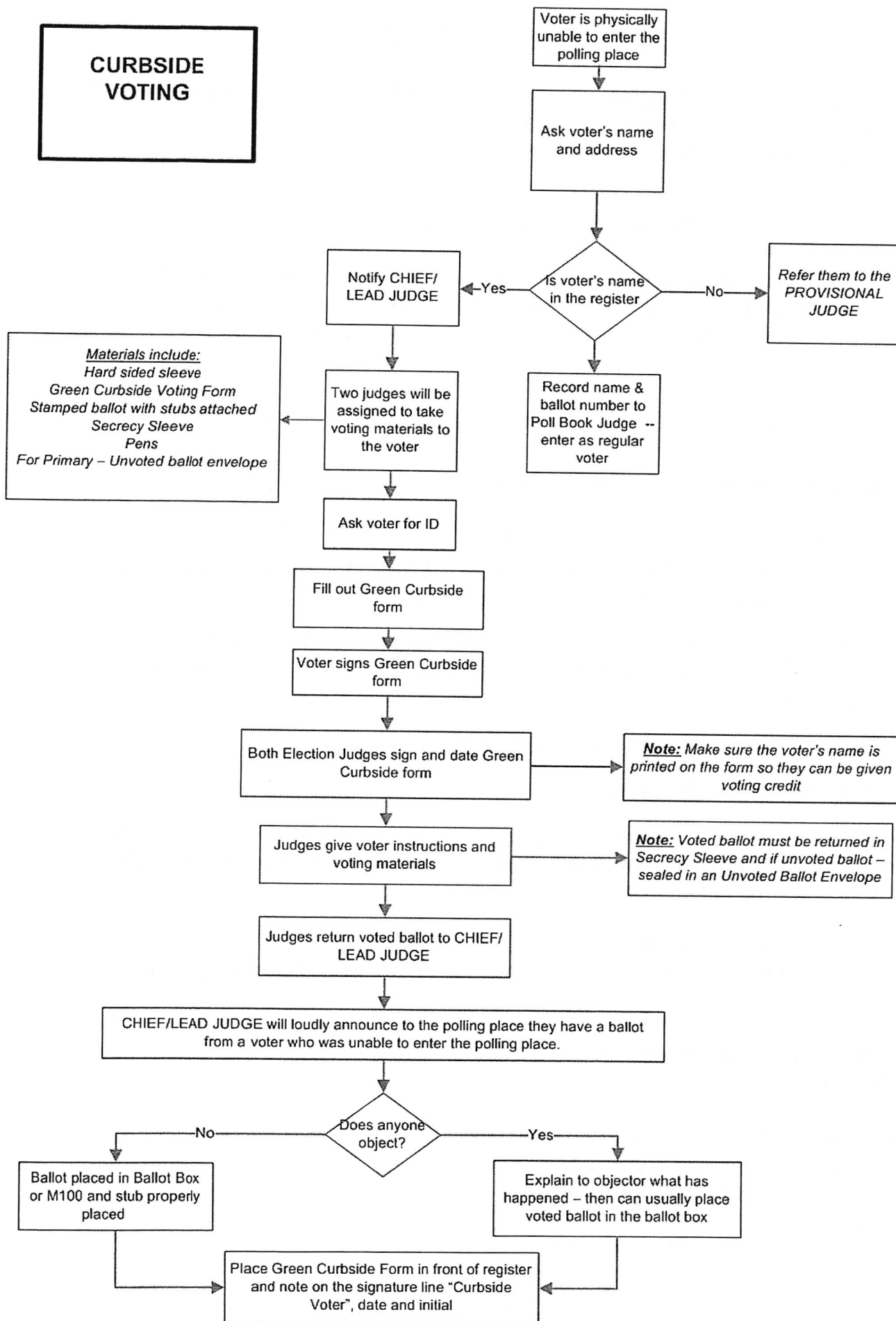
SPECIAL NEEDS VOTERS

Some voters may need assistance signing their name, marking their ballot, or may not be able to enter the polling place.

If voter cannot enter the polling place see Curbside Voting



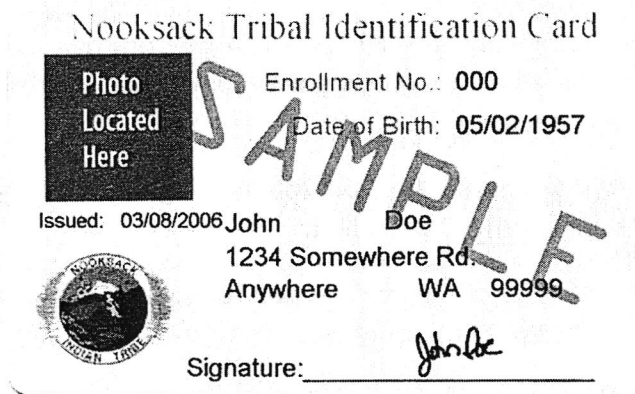
CURBSIDE VOTING



GENERAL PROCEDURES BEFORE ELECTORS ENTER VOTING BOOTH

1. The elector may state the elector's name and current address to assist the register judge in finding the elector in the register.
2. Ask the elector to show proper ID if they have it with them or to go get it if it is nearby. If they do not have either photo ID or one of the other acceptable forms of ID, ask them to fill out a Polling Place Elector Identification Form. See "Polling Place Elector Identification Form" in "Special Situations" section. (13-13-114)
3. Locate the name in the precinct register. The elector should be provided a new registration form if they indicate there is change in either their name or address. *If the elector's name is not in the register but the elector claims to be registered, see "Erroneous Omission from Precinct Register" in the "Special Situations" section.*
4. If the information presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register (and it is determined to be NOT erroneously omitted), the elector may sign the precinct register and cast a provisional ballot as provided in 13-13-601. See "Provisional Voting" section.

Appropriate ID - Any photo ID with elector's name may be used
Photo ID does not have to be a Montana driver's license, but can be any photo ID that has the elector's photo and name. If elector does not have photo ID, a current utility bill, bank statement, paycheck, voter registration confirmation, government check or other government document that shows the elector's name and current address may be used.



5. If the individual fails or refuses to sign the elector's name or if the elector is disabled and a fingerprint, an identifying mark, or a signature by a person authorized to sign for the elector pursuant to 13-1-116 is not provided, the elector may cast a provisional ballot as provided in 13-13-601. (13-13-114(3)) See "Provisional Voting" section.

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Excerpted from MT SOS Election Judge Handbook

6. Inactive electors are identified as such in the register, and are allowed to reactivate at the polling place and vote in any election. See *"Inactive Electors" in the "Special Situations" section*.
7. Provisionally registered electors are identified as such in the register, and must present a verifiable ID number (either driver's license or state ID number, OR last 4 of Social Security number). The number provided must be verified by the election office or, if the election office cannot verify the number, the elector must vote a provisional ballot.
8. Write "registration form" in the precinct register beside the name of any elector submitting a new or updated form. (13-13-114(1)(d))
9. Have the elector sign the register by the elector's name – MAKE SURE THEY SIGN ON THE CORRECT LINE. One election judge shall pronounce the name loud enough to be heard by the poll book judge and all poll watchers present. (13-13-114(1) and 13-13-120)

GENERAL PROCEDURES WHILE VOTING IS PROCEEDING

1. Voting stations must be arranged in a manner that will prohibit any other individual from seeing how the elector votes or has voted. No more than one individual may occupy a voting station at one time, except when assistance is furnished to an elector as provided by law. An elector shall not remain within the voting booth longer than is reasonably necessary to vote. If the individual refuses to leave, an election judge may remove him/her. (13-13-111)
2. Check from time to time to see that there are no stickers or campaign materials stuck on or in the voting booth or device. (13-35-211)
3. Check to see that sample ballots are not marked. If machines or other devices are used, periodically check to see that everything is in good working order. (13-35-206)
4. During election day, any elector's right to vote may be challenged by any registered elector by stating to you in writing the grounds of the challenge. *If a challenge is made, see "Resolving Challenges" in the "Special Situations" section.* (13-13-301)

GENERAL VOTING PROCEDURES

1. Enter the name of the elector alongside the corresponding ballot number in the poll book. **The number in the poll book must correspond with the number on the stub** of the ballot given to the elector. (13-13-115)
2. The words "Official Ballot" shall be stamped on the ballot. They must not appear on the stub. (13-13-116)
3. The elector shall receive one of each type of ballot they are qualified for. An elector who spoils the elector's ballot must be provided with another ballot in place of the spoiled ballot. There is no limit to the number of ballots that an elector can receive to replace spoiled ballots. *If an individual spoils the elector's ballot, see "Spoiled Ballots" in the "Special Situations" section.* (13-13-116(2)), 13-13-117(1)(b))
4. Hand each elector the appropriate ballot(s), demonstrating to the elector the proper insertion of the ballot(s) into the secrecy sleeve/envelope.
5. Before the elector takes the elector's ballot(s) to the voting booth, make sure the elector understands the instructions and procedure, and remind the elector to use the marking device provided in the voting booth.

In a partisan primary election, electors are provided with a ballot for all eligible parties holding a primary nominating election. Electors must choose one party ballot to vote.

LATE REGISTRATION

Late Registration does not occur at the polling place. An elector appearing at the polling place to register must be sent to the election office or the location designated by the election administrator.

IDENTIFICATION

Consistent with 13-13-114, MCA, before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge one of the forms of required identification defined below:

"Identification" for the purposes of voting at the polling place means any of the following.

1. A current photo identification showing an elector's name including, but not limited to, a valid driver's license, a school district or postsecondary education photo identification, a tribal photo identification, a military ID; or
2. If the elector does not have a photo ID, the elector may provide a current utility bill, bank statement, paycheck, notice of confirmation of elector registration issued pursuant to 13-2-207, MCA, government check, or other government document that shows the elector's name and current address.

Note: Only an elector's name and photo are checked when an elector submits photo identification. Election judges do not check picture IDs to see whether the address on the identification is current. A driver's license or identification card is presumed to be current and valid if it is issued by any motor vehicle agency, regardless of its status.
3. If the ID provided has information that differs from the information in the precinct register but the election judge determines the information provided is sufficient to verify the voter's identity and eligibility to vote, the voter may sign the register and vote, but must complete an updated registration form.
4. If the Elector did not bring an Accepted Form of ID: ***Send the voter to the Provisional Judge***

Summary of Process for Submitting and Accepting or Rejecting ID

An elector who is otherwise eligible to vote and who provides a required form of identification with the elector's name on it shall be permitted to vote as follows:

1. If photo identification is provided and the photo matches the person appearing to vote, the elector shall be provided a regular ballot. There is no need to have an address on photo identification.
2. For non-photo identification, if the information on the identification provided is determined to be sufficient by an election official, the elector shall be provided a regular ballot to vote.

Consistent with applicable provisions of the law, if the non-photo name or address identification provided differs from information in the precinct register, but an election

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Excerpted from MT SOS Election Judge Handbook

judge finds the information provided is sufficient to verify the elector's identity to vote, the elector may sign the precinct register, complete a new registration form to correct the elector's registration information for future elections, and vote a regular ballot. An election judge shall write "registration form" in the register by the name of any elector submitting a form.

3. If the ID provided is found to be insufficient and the elector does not fill out a verified Polling Place Elector ID Form, the elector shall be provided a provisional ballot to vote.

Examples of Acceptable Identification

Photo ID: (remember these must have a picture and a name on them, but you do not check any address that may appear on them)

Driver's License
Tribal ID
Student ID
State ID
Passport
Credit Card that has a picture on it (Citibank is one company that issues them)
Health Club ID
Military ID
Costco/Sam's Club Card
Employee ID (some employers issue these to allow employees into buildings – state employees often have them)

Government IDs with name and current address (rules say an address is presumed to be current unless proven otherwise)

Voter Confirmation card (mailed to every registered elector in the state of Montana)
Polling Place Elector Identification Form
Tax Refund check
Medicaid/Medicare statement
Welfare check
Vehicle Registration (required to keep a copy in your vehicle)
Property Tax Bill
Veteran's Administration documents
WIC papers
Subsidized Housing papers
Government Student loan paperwork
Social Security paperwork
Bills from the University System
USDA documentation

Disability paperwork

SSI documents

Any government document (local, state, or federal) issued to a person that has the person's name and address on it.

Acceptable non-government IDs (with name and current address – address is presumed current unless proven otherwise)

Utility bill

Bank Statement

Paycheck

Polling Place Elector Identification Form

This is the PINK ID form obtained from the Provisional Judge

1. **"Polling place elector identification form"** means a form of ID for use at a polling place that is prescribed by the Secretary of State and printed by the election administrator – it is usually on pink paper to make it easily identifiable.
2. The form is preprinted and provided by the election administrator for use at the polls by any electors who do not bring identification.
3. It requires an elector to provide the elector's current Montana residential address, current mailing address, signature, date of birth, and date.
4. It also requires an elector to provide the elector's Montana driver's license number or Montana state identification number or the last four digits of the elector's Social Security number.
5. If the number provided (ideally the Montana driver's license number, but an individual can use the last 4 digits of the Social Security number) can be verified by a call to an election official at the county election office, who will check the statewide voter registration database, or the Motor Vehicle Division and/or Social Security Administration records through the "Voter Verify" program, the election judge should initial the form under "Verified."
6. The elector must show the verified form to the proper election judge, who gives the elector a regular ballot. ***Electors who are registered as provided by law and who provide this form of identification, as long as it is verified, do NOT have to vote a provisional ballot in order to have their vote counted.***
7. The election official should not retain the polling place elector identification form, or any other form submitted as identification.

Important Information on Identification Requirements:

1. Remember, the address on the form of identification provided is presumed to be a current address unless proved otherwise. **"Current address"** means Montana residence address, or mailing address.
2. Since **only** an elector's name and photo are checked when an elector submits picture identification, election judges do not check picture IDs to see whether the address on the identification is current. For example, an out-of-state driver's license is valid identification (even if the license is expired or suspended), as long as it has the person's name and picture and is issued by a motor vehicle agency.
3. If the name or address on a **non-picture ID** provided differs from information in the precinct register, but an election judge determines that the information provided is sufficient to verify the elector's identity to vote pursuant to 13-2-512, MCA, the elector may sign the precinct register, complete a new registration form to correct the elector's registration information, and vote. An election judge writes "registration form" by the name of any elector submitting a form.

Elector's name not in Register: *Send the voter to the Provisional Judge*

Elector's address in Register is incorrect:

- ◆ Have the elector fill out a new Voter Registration form with updated information for future elections.
- ◆ Elector casts **regular ballot**.

Register says Elector was issued an Absentee Ballot: *Send the voter to the Provisional Judge*

- ◆ Electors must be allowed to drop off absentee ballots at any polling place in their home county. **This does not apply to late registrants, who are instructed to return ballots to the county election office or designated location.**
- ◆ Absentee ballots dropped off at the polling place must be sealed in a secrecy envelope and an affirmation envelope, signed and dated by the elector.
- ◆ An absentee ballot may be dropped off at a polling place other than the one in which the elector appears on the register.
- ◆ If the elector requested an absentee ballot and now is asking to vote at the polling place because the elector lost, spoiled, did not receive or destroyed the absentee ballot, send the voter to the Provisional Judge.

A Provisionally Registered Elector appears to vote (the voter's status will be noted on Register): *Send the voter to the Provisional Judge*

An elector is provisionally registered because at the time of registration, they did not provide an ID number or the number provided could not be verified. Electors who appear in the precinct register as "provisional" are not required to vote a provisional ballot, **UNLESS** the ID number provided at the polls (MT driver's license or state ID number or last four digits of Social Security number) cannot be verified by the election office.

**INACTIVE ELECTORS
(13-2-222)**

1. An elector designated as inactive in the register is eligible to vote a regular ballot in any election by reactivating
2. An inactive elector may reactivate the elector's registration by appearing at the polls and confirming registration information or updating registration information, and may vote a regular ballot at that time. Also, an inactive elector may reactivate the elector's registration by requesting an absentee ballot or providing a new or updated voter registration form.
3. An inactive elector may reactivate by affirming the elector's residence address and signing the precinct register. **Have the elector complete a new voter registration application to ensure all of the elector's information is updated.**
4. If the elector's updated address information indicates that the elector is registered in a precinct other than the precinct in which the elector now resides, the elector may vote a regular ballot once at that old precinct.
5. An inactive elector is someone who has not exercised their right to vote in a Federal General Election (which is held every even numbered year), and who did not respond to several confirmation mailings from the Election Office.
6. An individual can also be placed on the inactive list because a ballot in a mail ballot election is returned to the election office as undeliverable, and the individual does not respond to a subsequent forwardable notice mailed by the election office.
7. **Note:** Electors who appear in the precinct register as "Inactive" are not required to vote a provisional ballot, and are not required to go to the election office to late register.

Elector makes a mistake on their Ballot
SPOILED BALLOTS
(13-13-117)

1. An elector who spoils their ballot must, on returning the spoiled ballot, be given another in its place. There is no limit to the number of ballots that an elector can receive to replace spoiled ballots. (13-13-117(1)(b))
2. The elector must return the spoiled ballot, enclosed in the secrecy sleeve, or folded with the stub showing, to an election judge.
3. The judge must instruct the elector to write "Spoiled" on the ballot, and without violating the secrecy of the ballot, the judge must mark "Spoiled" on the stub of the original ballot, remove the stub and place it in the stub box.
4. The ballot should be placed in a spoiled ballot envelope **by the elector**. Election judges should not place the ballot in a spoiled ballot envelope due to the possibility of the loss of secrecy of the ballot.
5. Inform poll book judge to mark poll book accordingly for the spoiled ballot number.
6. Give elector a new ballot informing poll book judge what the new number is.
7. **Primary election** – "Spoiled" shall be written on the stubs of both ballots. Remove stubs and place in stub box. Deposit the voted "Spoiled" ballot in the spoiled envelope in the ballot box or stub box as directed by election administrator. Deposit the unvoted "Spoiled" ballot in the box for unvoted ballots. A new set of party ballots shall then be issued.
8. The word "SPOILED" must be marked beside elector's name for that ballot number in the poll book.
9. Stickers or labels to cover up and correct errors on ballots are prohibited, and may not be provided to an elector by an election judge, or applied to ballots by election officials.

A Ballot is missing or blank:

If the next sequential ballot is missing have the Poll Book Judge indicate this by writing "missing" next to the number in the poll book.

If the ballot has no number due to a misprint, fold it up and place it in a spoiled ballot envelope and place it in the ballot box, with stub attached. (Make sure that the next ballot contains the correct next sequential number. If not, follow the step immediately above for that ballot).

REASONS FOR CASTING A PROVISIONAL BALLOT (*Provisional Judge*)

- a) Elector's name is not in the precinct register. (However, see below under "*Erroneous Omission from Official Register.*")
- b) Precinct register indicates that elector is provisionally registered, which was not resolved.
- c) Elector claimed registration with the Motor Vehicle Division or other government agency, which could not be confirmed.
- d) Elector appears in the precinct register as having been issued an absentee ballot but stated that the absentee ballot was not received or was spoiled, lost or destroyed.
- e) Elector's right to vote was challenged. See "*Resolving Challenges*" subsection in the "*Special Situations*" section.
- f) Elector's identification was incorrect or insufficient and/or did not include one of the following valid forms of identification: verified Elector Identification Form, OR a current photo identification showing the elector's name and including but not limited to a valid driver's license, a school district or postsecondary education photo identification, or a tribal photo identification, OR a current utility bill, bank statement, paycheck, notice of confirmation of registration, government check, or other government document showing the elector's name and current address.

PROVISIONAL BALLOT VOTING PROCEDURE

Once the elector has received the instructions (*see below*) and completed the Provisional Ballot Outer Envelope Form, the elector will go back to the table for the elector's precinct. The register judge will have the elector sign the register. If name is not in register, the elector will sign the back of the register or in a location specified by the election administrator.

The ballot judge will instruct the elector how to mark the elector's ballot. The judge will remove the stub(s) from the ballot(s) and place them inside the Provisional Ballot Outer Envelope. Instruct the elector to return to the voting booth at the Provisional Judge's table.

RESOLVING THE PROVISIONAL BALLOT

If elector returns to the polling place later on election day and resolves the issue that led to the elector's ballot being voted provisionally, a provisional judge will retrieve the envelope from the Unverified Provisional Ballot Container, instruct the elector to remove the ballot from the secrecy envelope, and place it in a secrecy sleeve to be placed in ballot box (and in a primary election, the judge will place Unvoted Ballot Envelope in an Unvoted Ballot Box), and the judge will then place the stub(s) in the stub box. The now empty Provisional Ballot Outer Envelope will be placed in the Verified Provisional Ballot Container.

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Excerpted from MT SOS Election Judge Handbook

PROVISIONAL BALLOT COVER SHEET/OUTER ENVELOPE SAMPLE



Provisional Ballot Cover Sheet/Outer Envelope

ENVELOPE TO BE FILLED OUT AT POLLING PLACE OR ELECTION OFFICE BY ELECTION JUDGE/OFFICIAL AND ELECTOR AND PROVIDED TO ELECTION ADMINISTRATOR WITH POLLING PLACE MATERIALS

PART 1: TO BE COMPLETED BY ELECTOR:

PRINTED NAME: _____ FORMER NAME IF APPLICABLE: _____
MONTANA DRIVER'S LICENSE OR STATE ID NUMBER: _____
If you DO NOT have a Montana Driver's License number, provide last four digits of your Social Security number: _____
Date of Birth: _____ Phone Number(s): _____
Residence Address (address/city/zip): _____
Additional information if any regarding your voter registration that would help resolve the provisional ballot: _____

I (signature of elector) swear or affirm that I am eligible to vote in this election and precinct, that all of the information I provided on this form is true to the best of my knowledge and belief and that I am aware of the penalty for false swearing.

PART 2: TO BE COMPLETED BY ELECTION JUDGE/OFFICIAL: PRECINCT/WARD/DISTRICT NAME/#

Elector was instructed to cast a provisional ballot for the following reasons: (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Name not in official register and not erroneously omitted | <input type="checkbox"/> Register indicates provisionally registered, which could not be resolved |
| <input type="checkbox"/> Elector claims registration with Motor Vehicle Division or other government agency, which could not be confirmed | <input type="checkbox"/> Elector affirmed that absentee ballot was not received, or was spoiled, lost or destroyed |
| <input type="checkbox"/> Elector failed to sign register | <input type="checkbox"/> Elector's identification was insufficient |
| <input type="checkbox"/> Elector failed to sign absentee ballot envelope | <input type="checkbox"/> County-to-county late registration in election office |
| <input type="checkbox"/> Elector's absentee signature was not verified | <input type="checkbox"/> Precinct-to-precinct late registration in election office |
| <input type="checkbox"/> Elector's right to vote was challenged | <input type="checkbox"/> Other |

ELECTION JUDGE/ELECTION OFFICIAL SIGNATURE: _____ DATE: _____

PART 3: TO BE COMPLETED BY ELECTION OFFICIAL RESOLVING PROVISIONAL BALLOT:

Elector registered in Precinct/Ward/District Name/# _____ Voted in Precinct/Ward/District # _____

Voter ID# _____

Provisional Ballot Accepted: Yes ☐ No ☐

Reasons Ballot Accepted: (circle all that apply)	Reasons Ballot Was Rejected: (circle all that apply)
Name omitted from register in error	Not registered: (circle, if applicable: canceled/ wrong precinct, district, ward / wrong county)
Motor Vehicle or other government agency error	Motor Vehicle or other government agency has no record of registration
Elector provided signature	Elector never provided signature
Elector signed absentee ballot envelope	Elector never signed absentee ballot envelope
Elector's absentee signature was verified	Elector's absentee signature was never verified
Challenge resolved in challenged elector's favor	Challenge resolved in challenger's favor
Provisional registration was resolved	Provisional registration was not resolved
Absentee ballot not received	Absentee ballot received and accepted
Elector provided sufficient identification	Elector never provided sufficient identification
Confirmed that county-to-county late registrant did not vote in prior county	Confirmed that county-to-county late registrant voted in prior county
Confirmed that precinct-to-precinct late registrant did not vote in prior precinct	Confirmed that precinct-to-precinct late registrant voted in prior precinct
Other:	Other:
Processed by _____	Date processed for resolution: _____ Date voter notified _____

ERRONEOUS OMISSION FROM PRECINCT REGISTER
(44.3.2111, ADMINISTRATIVE RULES OF MONTANA)

1. An elector whose name is erroneously omitted from a precinct register or other election register may secure from the Provisional Judge a certificate of the error, stating the precinct in which the elector is entitled to vote, and present the certificate (which will entitle the elector to vote a regular ballot) to the election judges.
2. The certificate shall be marked "voted" by the election judges and returned to the election administrator with the precinct register. The elector should sign the back of the precinct register or in a location specified by the election administrator.

An Elector asks about Write-In Candidates:
(13-10-211, 13-15-206 and 13-21-206)

- Provide write-in candidate information that was provided by the election administrator if the elector requests it.
- The election administrator will provide to the chief election judge of each precinct a list of declared write-in candidates, along with copies of the filing form listing name variations. The list may be shown to any elector who requests the information. Lists must **not** be posted in the polling place or in a voting booth.
- A write-in vote may be counted only if the oval, box, or other designated voting area on the ballot is marked.
- Any elector may write in the name of any candidate, regardless of whether the candidate has filed a declaration of intent or otherwise would have the candidate's votes counted. The ballot should be accepted, even if the vote may not be counted.

Elector requests Ballot be hand counted:

- ◆ When the elector returns with the voted ballot, remove the stub and place it in the stub container. Return the ballot to the elector and have the elector place it in an envelope marked "Hand Count" and place it in the ballot box.

ASSISTING ELECTORS WITH DISABILITIES IN GENERAL **(13-13-119)**

1. When an elector with a disability enters a polling place, an election judge shall ask the elector if the elector wants assistance.
 - An elector who needs assistance in marking the elector's ballot because of disability or inability to read or write may choose a person to assist the elector, including an election judge, persons under the voting age, persons not registered to vote, **or an agent as designated on a form prescribed by the Secretary of State.** (13-1-116)
 - **Exception:** The elector CANNOT BE ASSISTED by the elector's employer, an agent of the elector's employer, or an officer or agent of the elector's union. You must ask if the person helping is the elector's employer or employer's agent or officer or agent of the elector's union. If the person to assist is one of those individuals, the elector must choose someone else to assist.
2. If the elector asks for assistance in voting from election judges, it is preferable that two judges from different political parties assist. If, however, the elector objects to two judges, assistance may be given by one judge.
3. Indicate next to the elector's name in the precinct register that the ballot was marked with assistance. The person assisting the elector must also sign next to the name of the elector in the precinct register. No one assisting the elector may reveal information about the elector's ballot.

ELECTOR UNABLE TO SIGN THE PRECINCT REGISTER **(13-1-116)**

1. An elector unable to sign the elector's name CANNOT be denied the right to vote because of an inability to sign the precinct register.
2. Some notation must be made in the precinct register on the signature line for an elector who is unable to sign.

Ask the elector to make a mark of some sort on the signature line by the elector's name. Unless the elector objects, the best mark would be a thumbprint or fingerprint from the elector. The judges should enter a notation next to the fingerprint that the elector was unable to sign the register.

At minimum, judges must enter on the signature line by the elector's name the words "Elector unable to sign register" and the time of day this individual voted.

ELECTOR UNABLE TO ENTER THE POLLING PLACE
(13-13-118)

1. Chief election judges may appoint two election judges who represent different political parties to take a ballot to an elector who is able to come to the premises where a polling place is located but unable to enter because of disability.
 2. Ask the elector to sign the oath form stating that the elector is entitled to vote but is unable to enter the polling place. Judges must see identification of elector as provided in 13-13-114, see also *"Identification" subsection of the "Special Situations" section*. (If no ID is provided and the elector does not fill out a verified Polling Place Elector ID form, elector will be provided a provisional ballot.) TAPE THE SIGNED OATH NEAR THE ELECTOR'S NAME IN THE PRECINCT REGISTER. This will eliminate the need to take the precinct register out to the elector. Compare the elector's name and address to the information printed in the precinct register and follow the standard procedure for a poll voter.
 3. After the elector has voted, take the marked and folded ballots immediately into the polling place and give the ballots to the judge at the ballot box.
1. The judge shall remove the stub and place the ballot and stub in the proper boxes.
 2. For challenges to any elector's right to vote, see the *"Resolving Challenges" subsection of the "Special Situations" section*.

USING THE AUTOMARK VOTER ASSIST TERMINAL

Each absentee voting location and polling place must have accessible voting equipment available. The equipment used in Montana is called the AutoMARK, a specialized voting machine that allows any elector to mark their ballot privately and independently.

The AutoMARK has features that include a touchscreen, large-print ballot, Braille keypad, earphones for audio reading of the ballot, and capability for connection to personal ADA devices such as a "Sip and Puff" device.

The AutoMARK does not record or count votes, but marks a regular ballot and prints the marked ballot out for processing as any other ballot.

See Section 4 of the *Polling Place "Quick Guides" section* for specific information on the AutoMARK setup, use and troubleshooting processes.

Elector cannot sign the Register:

- ◆ Have elector mark the spot with a fingerprint or another identifying mark like an X. Note in the register that you witnessed the elector marking the register.

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- ♦ If elector is unable to provide a fingerprint or identifying mark and does not have a designated agent, the election judge (or election administrator) may sign for the elector after verifying elector's ID.

Elector requires assistance to Vote:

- ♦ The elector may use the AutoMARK.
- ♦ Any person of their choice may aid them, except for an employer or union official.
- ♦ A designated agent may assist them with any part of the voting process.
- ♦ Two election judges may help (affiliated with different parties, if possible).

SETUP FOR ALL ELECTIONS

Prior to the opening of the polls, election judges should:

1. Meet at the polling place at a time set by the election administrator. (13-13-101)
2. Take and subscribe to the judges' official oath in the poll book. The judges may administer the oath to each other. (13-4-105 and 13-13-101)
3. Check supplies provided by the election administrator using the checklist provided by the election administrator and/or in the *Polling Place "Quick Guides"* section of the Election Judge Handbook. (13-13-101)
4. Verify the number of ballots delivered on ballot certification report.
5. Verify on the log provided all seal numbers.
6. Mark the signature lines in the precinct register for anyone issued a ballot after the registers were printed, **if the register is not already marked** (see also *"Absentee Voters at the Polls"* section for proper absentee procedures).
7. Set up the official table or tables with:
 - a) Ballots in numerical order and according to instructions received from the election administrator
 - b) Official ballot stamp and pad
 - c) Secrecy sleeves/envelopes
 - d) Precinct register
 - e) Poll book
 - f) Voter information pamphlets (when applicable)
 - g) One copy of the registered elector list
 - h) One copy of the list of absentee electors
 - i) Ballot box
 - j) Box for ballot stubs and unvoted ballots

- k) Supply of registration forms, provisional ballot supplies (envelopes, provisional ballot instructions, etc.), polling place elector identification forms and all other miscellaneous supplies received from the election administrator.
8. Post or display at polling place:
- a) A list of registered electors (13-2-115(3))
 - b) "Sample" ballots at each poll booth and in conspicuous locations (13-13-112(5))
 - 1) If a sufficient number of sample ballots is not provided, and you are unable to get a supply from the election office, take a ballot from the bottom of the stack, remove the stub and write "SAMPLE" across the ballot. Make copies.
 - c) "Montana Voter Information" notices in each poll booth and elsewhere in the polling place (*see sample below*). (13-13-112)
 - d) "Warning" notices in conspicuous locations (see sample below) (13-13-113)
 - e) List of absentee electors in a conspicuous location (13-13-233)
9. Open the ballot box and stub boxes and ascertain that they are empty, then replace the lock and security seal and give the key to chief election judge. If using a disposable wire lock, register the number from the lock in the poll book. Record the security seal number on the Chain of Custody and Security Seal Log.
10. Prepare supplies (secrecy sleeves, unvoted envelopes and proper writing tools to be used by elector to mark ballot).

OPENING THE POLLS

Proclaim the opening of the polls aloud at the time set for opening. (13-13-101(2) and 13-1-106)

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***Post the Montana Voter Information poster
and sample ballot(s) in each voting booth
and elsewhere in the polling place.***

***Post the Warning in conspicuous
locations around the polling place.***

MONTANA VOTER INFORMATION

This information must be publicly posted
in each voting station and elsewhere
in each polling place on Election Day.

HELP AMERICA VOTE ACT AND STATE LAW VOTING INFORMATION REQUIREMENTS:

Date and Time of Election:

**{To be filled in by
election
administrator or
election judge}**

Voting Instructions:

When you enter your polling place,
an election judge will greet you,
ask your name, and determine
whether you are registered to
vote in that precinct. He or she will
also ask you to show ID. (Under
federal law, all mail-in registrants
and first-time voters must show

ID; under state law, all other voters
are required to show ID as well.)

This ID can be any current
photo ID that shows your name
(for example, a driver's license,
school ID, state ID, or tribal
ID) or a current utility bill, bank
statement, paycheck, voter
confirmation notice, government
check or other government
document that shows your name
and current address.

If you forget your ID, you have
many options. You can return
to the polls when you have it, or
fill out a polling place elector ID
form, or vote a provisional ballot,
which will be counted if your
identity can be verified.

After you have shown ID and
your eligibility to vote has been
verified, you will sign the register
and be provided an official,

WARNING

The sections of law printed below list specific conduct or actions which may cause an elector to be subject to criminal prosecution. This is not intended to be a complete printing of all laws pertaining to election violations. By law, this warning notice must be posted in conspicuous places in the polling place.

INFORMATION ON STATE LAWS REGARDING PROHIBITIONS ON ACTS OF FRAUD AND MISREPRESENTATION:

13-35-201. Electors and ballots. (1) An elector may not show the contents of the elector's ballot to anyone after it is marked. An elector may not place any mark upon the ballot by which it may be identified as the one voted by the elector.

(2) An elector may not receive a ballot from any person other than an election judge and may not vote any ballot except one received from an election judge. A person other than an election judge may not deliver a ballot to an elector.

(3) A person may not solicit an elector to show the elector's ballot after it is marked. (4) An elector who does not vote a ballot delivered to the elector shall, before leaving the polling place, return the ballot to an election judge.

13-35-202. Conduct of election officials and election judges. An election officer or judge of an election may not:

(1) deposit in a ballot box a paper ballot that is not marked as official;

(2) examine an elector's ballot before putting the ballot in the ballot box;

(3) look at any mark made by the elector upon the ballot;

(4) make or place any mark or device on any ballot with the intent to ascertain how the elector has voted;

(5) allow any individual other than the elector to be present at the marking of the ballot except as provided in 13-13-115 and 13-13-119; or

(6) make a false statement in a certificate regarding affirmation

13-35-206. Injury to election equipment, materials, and records. A person is guilty of criminal mischief or tampering with public records and information, as appropriate, and is punishable as provided in 45-6-101 or 45-7-205, as applicable, whenever the person:

(1) prior to or on election day, knowingly defaces or destroys any list of candidates posted in accordance with the provisions of the law;

(2) during an election,

(a) removes or defaces instructions for the voters; or

(b) removes or destroys any of the supplies or other conveniences placed in the voting station for the purpose of enabling a voter to prepare the voter's ballot;

(3) removes any ballots from the polling place before the closing of the polls with the purpose of changing the result of the election;

(4) carries away or destroys any poll

books, checklists, ballots, ballot boxes, or other equipment for the purpose of disrupting or manipulating an election;

(5) knowingly defaces, mutilates, alters, or destroys any election returns;

(6) mutilates, secretes, destroys, or alters election records, except as provided by law;

(7) tampers with, disarranges, defaces, injures, or impairs a voting system with the intent to alter the outcome of an election;

(8) mutilates, injures, or destroys a ballot or appliance used in connection with a voting system; or

(9) fraudulently defaces or destroys a declaration or certificate of nomination.

13-35-214. Electioneering - soliciting information from electors. (1) A person may not do any electioneering on election day within any polling place or any building in which an election is being held or within 100 feet of any entrance to the building in which the polling place is located, which aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.

(2) A person may not buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia which is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election.

(3) A person within a polling place or any building in which an election is being held may not solicit from an elector, before or after the elector has marked a ballot and returned it to an election judge, information as to whether the elector intends to vote or has voted for or against a candidate or ballot issue.

13-35-214. Illegal influence of voters. A person may not, directly or indirectly, individually or through any other person, for any election, in order to induce any elector to vote or refrain from voting or to vote for or against any particular candidate, political party ticket, or ballot issue:

(1) give, lend, agree to give or lend, offer, or promise any money, liquor, or valuable consideration or promise or endeavor to procure any money, liquor, or valuable consideration;

(2) promise to appoint another person or promise to secure or aid in securing the appointment, nomination, or election of another person to a public or private position or employment or to a position of honor, trust, or emolument in order to aid or promote the candidate's nomination or election, except that the candidate may publicly announce or define the candidate's choice or purpose in relation to an election in which the candidate may be called to take part if elected.

13-35-217. Officers not to influence voter. An officer, while acting in an official capacity, may not, by menace, reward, or promise of reward, induce or attempt to induce any elector to cast a vote contrary to the elector's original intention or desire.

13-35-218. Coercion or undue influence of voters. (1) A person, directly or indirectly, individually or through any other person, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may not:

(a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person; or

(b) inflict or threaten to inflict, individually or with any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person.

(3) A person may not, by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election or compel, induce, or prevail upon any elector to give or to refrain from giving the elector's vote at any election.

(4) A person may not, in any manner, interfere with a voter lawfully exercising the right to vote at an election in order to prevent the election from being fairly held and lawfully conducted.

(5) A person on election day may not obstruct the doors or entries of any polling place or engage in any solicitation of a voter within the room where votes are being cast or elsewhere in any manner that in any way interferes with the election process or obstructs the access of voters to or from the polling place.

INFORMATION ON FEDERAL LAWS REGARDING PROHIBITIONS ON ACTS OF FRAUD AND MISREPRESENTATION:

Federal authorities may become involved in election fraud or misrepresentation issues when a state prosecutor asks for federal assistance or when allegations arise that criminal vote fraud has occurred in a federal election. If you have information about vote fraud, consult the nearest office of the FBI or your local U.S. Attorney's office.

CLOSE OF POLLS

1. Shortly before 8:00 p.m. (or earlier if all registered electors have voted), proclaim that the polls will soon close, and proclaim the closing of the polls at closing time. (13-13-101(2))
2. No person shall be allowed to vote after the polls are closed, unless it is certain that the elector was inside the polling place before closing time or in line outside if the polling place is not large enough to accommodate the electors waiting to vote. A procedure must be in place for determining the last person in line at 8:00 p.m.

PROCEDURES FOR CLOSE OF POLLS FOR AUTOMARKS

The following procedures must be carried out by an election judge trained to operate each type of equipment and at the direction of the election administrator.

Follow all security procedures as directed by the election administrator.

1. Verify security seal information against the Chain of Custody and Security Seal Log. Enter information into part 3 on the log, sign and date.
2. Insert the brass mode switch key into the mode switch and turn to the "Off" position.
3. The Uniform Voting Systems Guide recommends leaving the compact flash card sealed in the AutoMARK as this machine does not store any results on the card. The media card should be removed at the county election office before storage.
4. Disconnect headphones and power cord from the AutoMARK.
5. Store headphones, power cord, and cardboard secrecy sleeves in transport case.
6. Lift up under ballot feed tray, fold inwards, and tray will drop into place.
7. Open the lid and fold the touch screen back into the recessed area.
8. Lower the lid over the touch screen.
9. Lower the lid flap over the ballot feed tray.
10. Move the lid latches into the innermost position to secure the lid.
11. Place AutoMARK in transport case and store in a secure location for pick up.

GUIDANCE TO ELECTION OFFICIALS IN REGARD TO OFFICIAL POLL WATCHERS AND ELECTION OBSERVERS

Poll watchers and election observers are an important part of Montana's open and transparent election process. This poll watcher and election observer guide is intended to provide guidance to election officials regarding their roles and responsibilities with regard to poll watchers and election observers.

General Guidelines

Election day is for the elector. As a general rule, no person can obstruct the polling place or engage in solicitation of an elector in any manner that interferes with the election process or obstructs the access of electors to or from the polling place. Most unlawful polling place conduct can be punishable as a misdemeanor under Montana law.

Montana law prohibits a candidate from serving as a poll watcher at a polling place where the candidate's name is on the ballot.

Election Officials

Election officials are allowed some discretion in terms of how to handle observers on election day. Guidelines for observers must be **reasonable, fairly applied, and documented** for election day. How observers are handled may vary from jurisdiction to jurisdiction for reasons including but not limited to:

- The size and configuration of the polling place, election office or tabulation center.
- The resources at the county's disposal on election day, including staffing levels.
- The number of observers requesting access to a location.

Before election day, election officials should evaluate each election day location to make decisions about how to handle non-electors on election day.

The election administrator, where applicable, or election officials working at the polls may uniformly:

- Use discretion in determining a sufficiently close distance for observers to be stationed from the process they want to observe.
- Establish security protocol for observers including using sign-in sheets and identification badges and prohibiting the use of cell phones, pagers, cameras and other audio or video equipment or electronic devices.
- Require order and quiet inside any observation area.
- Use discretion in determining how and to whom observers may pose questions and challenges during the observation process.

- Restrict the number of observers permitted in a polling place, election office or tabulation center to prevent interference with the election process, as long as the restriction is **reasonable and fairly applied**.
- Restrict the items observers may bring into the polling place, election office or tabulation center such as cell phones, large bags or backpacks, etc.
- Request assistance from law enforcement when necessary to ensure orderly and unrestricted access to the polling place and election office by electors.
- Restrict any activity that they determine undermines the **security, integrity or accuracy** of the election process at the polls, tabulation center and election office.

Election Officials may provide uniform guidance to Official Poll Watchers and Election Observers as follows:

- **Notify** county election administrators as soon as possible before election day.
- **Familiarize** themselves with Title 13 Election Laws of Montana, and any county-specific guidance for polls watchers and/or election observers.
- **Check-in** with the chief election official at the polls, election office or tabulation center and find out where their designated observation area will be.
- **Wear** at all times while in the polling place, election office or tabulation center a name tag provided by the chief election official at the location where they are observing that clearly identifies them as a poll watcher or as an election observer.
- **Direct** all questions, concerns or suggestions to the chief election official for the location, unless otherwise instructed.
- **Observe** the proceedings at the polls, election office or tabulation center without interfering with electors or election officials.
- **Ask questions** of election officials as long as they do not interfere with the conduct of any part of the voting process.

To protect the security and integrity of the election, election officials can advise Official Poll Watchers and Election Observers at the polling place on election day that they may not:

- Interfere with the conduct of the election.
- Physically handle any voting materials or equipment without the express permission of the election administrator or chief polling place election official.
- Move or rearrange tables, chairs or other election day equipment without the express permission of the election administrator or chief polling place election official.
- Sit at an official worktable or view confidential voter information on any equipment or paper document.
- Assist in any way with official election process operations at a polling place, election office or tabulation center.
- Communicate with voters regarding voting for or against any candidate or issue on the ballot unless they are at least 100 feet from any entrance to the polling place.
- Display or wear any campaign material.

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Excerpted from MT SOS Election Judge Handbook

- Distribute alcohol, tobacco, food, drink, or anything of value to a voter within 100 feet of a polling place.

Poll Watchers:

- ♦ New! A candidate may not be a poll watcher at a polling place where electors are voting on ballots with the candidate's name on them.
- ♦ At the time when each elector signs the elector's name, the Register Judge shall pronounce the name loud enough to be heard by the poll watchers. A poll watcher who does not understand the pronunciation has the right to request that the judge repeat the name.
- ♦ Poll watchers can be permitted to view the Register only if it can be done during a time that does not interfere with any voting, and with permission of the chief election judge.
- ♦ Poll watchers and observers shall also be permitted to observe all of the vote counting procedures after the closing of the polls **(or before close of polls if they remain sequestered with counting judges until the close of polls)** and all entries of the results of the elections.
- ♦ Poll watchers may challenge any elector, using the prescribed form properly completed.
- ♦ Poll watchers and observers may speak to an election judge within a polling place to discuss application or interpretation of election procedures/laws, so long as it does not interfere with the election procedures as determined by the chief election judge.
- ♦ Make sure that the poll watchers and observers are not soliciting information or promoting an issue or candidate to electors in the polling place.
- ♦ If allowed, poll watchers, observers and signature gatherers who are using cell phones should be asked to go to a secluded spot or outside the polling place, where voters will not hear them and where the call will not be distracting to those voting.
- ♦ If you are having problems with a poll watcher, observer or signature gatherer, call the election office.
- ♦ New! A candidate, family member of a candidate or a worker or volunteer for a candidate's campaign may not distribute alcohol, tobacco, food, drink or anything of value to a voter within a polling place or a building in which an election is being held or within 100 feet of an entrance to a polling place.

ELECTIONEERING

ELECTIONEERING—interpretive rule (1) As used in 13-35-211, MCA, "electioneering" means the "solicitation of support or opposition to a candidate or issue to be voted upon at the election or polling place in question, by means of:

(a) Personal persuasion, electronic amplification of the human voice, or the display or distribution of campaign materials.

(b) Offering or distribution of food, drink, or any other material benefit in a manner calculated to encourage recognition, support, or opposition to a candidate or issue.

(c) "Electioneering" does not include the display of ordinary bumper stickers on automobiles."
(44.10.311, ARM)

ELECTIONEERING AND SIGNATURE GATHERING FREQUENTLY ASKED QUESTIONS

Q What is Electioneering?

"ELECTIONEERING—soliciting information from electors.

(1) A person may not do any electioneering on election day within any polling place or any building in which an election is being held or within 100 feet of any entrance to the building in which the polling place is located, that aids or promotes the success or defeat of any candidate or ballot issue to be voted upon at the election.

(2) On election day, a candidate, a family member of a candidate, or a worker or volunteer for the candidate's campaign may not distribute alcohol, tobacco, food, drink, or anything of value to a voter within a polling place or a building in which an election is being held or within 100 feet of an entrance to the building in which the polling place is located.

(3) A person may not buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia that is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election.

(4) A person within a polling place or any building in which an election is being held may not solicit from an elector, before or after the elector has marked a ballot and returned it to an election judge, information as to whether the elector intends to vote or has voted for or against a candidate or ballot issue." (13-35-211, MCA)

Q What is the "100 FOOT RULE"?

A Montana law restricts campaigning, or "electioneering **on election day** within any polling place . . . or within 100 feet of any entrance to the building in which the polling place is located . . ." (13-35-211, MCA, emphasis added)

Q HOW DO I MEASURE—

is it **100 FEET** beyond the parking lot, or beyond the building entrance? Which entrance?

A The law states "within 100 feet of any entrance to the building in which the polling place is located. . ." (13-35-211, MCA)

Q How about electioneering in the area **BEYOND 100 FEET** from the **POLLING PLACE**?

A Generally, speech beyond 100 feet from an entrance to a polling place is not restricted.

Q Can I wear a **BADGE OR BUTTON, OR SHIRT TO THE POLLS**? What about bumper stickers?

A A person "may not buy, sell, give, wear, or display at or about the polls on election day any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon." (13-35-211, MCA) "At or about the polls" is construed to include the 100 foot zone. The law does not specifically require that you remove political bumper stickers before parking at the polls, however.

Q Can **CAMPAIGN MATERIALS** be brought into a **POLLING PLACE**?

A Soliciting support or opposition to a candidate or issue at a polling place is prohibited when that candidate or issue is on the ballot.

Q Can people GATHER SIGNATURES ON PETITIONS IN THE POLLING PLACE?

A Orderly signature gathering that does not interfere with the election process or obstruct elector access to the polls is not prohibited by these statutes (as long as the petition does not concern an issue being voted on at the polling place). Additionally, opponents to an issue that signatures are being gathered for have the same rights and responsibilities as signature gatherers at the polling place.

Q Can CANDIDATES BE PRESENT IN THE POLLING PLACE? Can they WORK THE POLLS?

A Statutes do not prohibit candidates in the polling place—they prohibit electioneering (which includes campaigning) in or about the polling place. **Candidates and certain family members are prohibited by law from working as election judges.**

Q Can FOOD, DRINKS, AND OTHER ITEMS BE PROVIDED TO PEOPLE WAITING IN LINE TO VOTE AT A POLLING PLACE?

A On election day, a candidate, family member of a candidate, or a worker or volunteer for the candidate's campaign may not distribute anything of value to a voter in a polling place or within 100' of a polling place entrance.

Q WHAT DO I DO IF I SEE A VIOLATION?

A Inform the polling place official. If the official is not able to correct the problem, the official should call law enforcement. "An election officer, sheriff, constable, or other peace officer may clear the passageway, prevent any obstruction, or arrest any individual obstructing the passageway to a polling place." (13-13-122, MCA)

"No person on election day may obstruct the doors or entries of any polling place or engage in any solicitation of an elector within the room where votes are being cast or elsewhere in any manner which in any way interferes with the election process or obstructs the access of electors to or from the polling place." (13-35-218(5), MCA)

The statutes governing electioneering generally fall under the jurisdiction of the Commissioner of Political Practices, 406-444-2942.